



The Commonwealth of Massachusetts
Administrative Office of the Housing Court
Edward W. Brooke Courthouse
24 New Chardon Street, 6th Floor
Boston, Massachusetts 02114

LIMITED ASSISTANCE REPRESENTATION (LAR)
FREQUENTLY ASKED QUESTIONS FOR LITIGANTS

Q. What is Limited Assistance Representation (LAR)?

- A. LAR is when an attorney represents or assists a litigant with part, but not all, of a legal matter. The attorney and litigant enter into a detailed limited assistance agreement that sets out what specific tasks the attorney will be responsible for and what specific tasks the litigant will be responsible for in the case.

Q. When can LAR be used in the Housing Court?

- A. As of November 1, 2010, an attorney may represent a litigant on a limited basis in connection with any civil case (e.g., summary process and small claims cases) pending or to be filed in the Housing Court. LAR cannot be used in criminal cases. LAR can be used at any stage in a civil case when a party does not wish to represent himself/herself throughout the entire case but also does not wish to hire an attorney to represent him/her throughout the entire case. The litigant and attorney agree together on who is responsible for completing which specific tasks in the case.

Q. What are some ways an attorney can use LAR to assist a litigant?

- A. An attorney can coach a litigant outside of court on what the law is and what the rules of civil procedure and evidence are without ever filing an appearance or appearing in court on behalf of the litigant. An attorney can also draft documents for a litigant to file with the court without filing an appearance or going into court with the litigant, but the attorney must write on the document that it was prepared with the assistance of counsel. This is called "ghostwriting." An attorney can also appear in court with a litigant for part of the entire case (e.g., attending only a pretrial conference). In this instance, the attorney must file a Notice of Limited Appearance with the court describing the specific issue or event in which the attorney is representing the litigant. After the completion or conclusion of that issue or event, the attorney must file a Notice of Withdrawal of Limited Appearance.

Q. What duties does an attorney owe to a client who is being represented on a limited basis?

A. An attorney must follow all ethical rules and standards of professional responsibility whether providing full or limited representation to a client. The requirements of zealous advocacy, confidentiality, avoiding conflicts of interest, etc. all apply.

Q. Who gets served notice of pleadings and motions once a Notice of Limited Appearance has been filed?

A. The litigant and his/her limited assistance attorney must be served with notice of every pleading and motion relating to the limited appearance issue or event. Any pleading or motion regarding issues or events outside the scope of the limited appearance should be served only on the litigant. The litigant remains responsible for all aspects of his/her case except in those instances when an attorney has agreed to represent the litigant with a specific event or issue in his/her case.

Q. Will I have to pay for LAR?

A. As with all legal services, you and your attorney will negotiate and agree on whether and how much you will pay him/her. Some attorneys do provide legal services without a fee or for a reduced fee for litigants who meet certain criteria.

Q. How do I find an attorney who will represent me on a limited basis?

A. Attorneys must take a mandatory training before they may provide LAR. The Massachusetts Bar Association and local bar associations may be able to provide you with a list of attorneys who represent clients on a limited basis.

Q. If I choose to represent myself in a case, will the court give me legal advice or special consideration because I am not an attorney?

A. No. The judge must remain impartial in hearing your case, and court employees cannot give you legal advice. If you choose to represent yourself for the entire case, you are responsible for all aspects of the case and expected to learn the relevant law, rules, and procedures, which are applied equally to all parties appearing before the court regardless of whether they are represented by an attorney. If you are not confident in your ability to represent yourself, you should hire an attorney.